

City Council Agenda

Council President

Mike Dages

Councilmembers

Tom Boyajian
Brian Calhoun
Jerry Duncan

Henry T. Perea
Cynthia Sterling
Larry Westerlund

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

August 16, 2005

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. – 4:30 p.m. and re-played beginning at 8:30 p.m.

8:30 A.M. ROLL CALL

Invocation

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of SPCA Pet of the Month – Councilmember Boyajian

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of July 26, 2005

Action Taken:

Councilmember Reports and Comments

Action Taken

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 P.M.

- A. * Authorize the Chief of Police to enter into a contract with Fresno Unified School District to provide school resource officers – Police Dept.

Action Taken:

- B. * Authorize the City of Fresno to enter into a contract with RRM Design Group, Inc. (RRM), for professional services for preparation of a space needs assessment study for a joint fire/law enforcement administrative complex and shared communications dispatch center for the Fire Department, Police Department and Fresno County Sheriff's Department – Public Works Dept.

Action Taken:

- C. * **RESOLUTION** - Authorizing acceptance of \$1,224,751 in grant funding from the U.S. Department of Justice, National Institute of Justice for the Police Department's "Solving Cold Cases with DNA" Grant Program – Police Dept.

Action Taken:

1. * **RESOLUTION** – 1st amendment to AAR No. 2005-286 appropriating \$514,100 to the Fresno Police Department for the "Solving Cold Cases with DNA" Grant Program from the U.S. Department of Justice (DOJ) National Institute of Justice (***Requires 5 affirmative votes***)

Action Taken:

2. * **RESOLUTION** – 5th amendment to PAR No. 2005-287 adding positions to the Fresno Police Department for the "Solving Cold Cases with DNA" Grant Program

Action Taken:

- D. **RESOLUTION** - Approving participation in the Federal Equitable Sharing Agreement Program and authorizing the execution of related documents – Police Dept.

Action Taken:

- E. * **RESOLUTION** - Approving a Contribution Agreement with the California Department of Transportation for use of Clovis Avenue as a freeway detour between Freeway 180 East and Kings Canyon Road and authorizing the Public Works Director or his designee to sign the agreement on behalf of the City of Fresno – Public Works Dept.

Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- F. * **RESOLUTION** - Consider changing the rate and method of apportioning the special tax and establishing a new maximum special tax for Annexation No. 93, Final Tract No. 5141 Community Facilities District No. 2 – Public Works Dept.
Action Taken:
- G. * **RESOLUTION** - Consider changing the rate and method of apportioning the special tax and establishing a new maximum special tax for Annexation No. 61, Final Tract No. 4598 of Community Facilities District No. 2 – Public Works Dept.
Action Taken:
- H. Approve the reappointment of Michael T. McDonald and appointments of Edgar L. Deatherage and Gayle D. “Cindy” Caress to the Civil Service Board, and appointment of Mike Rastegar to the Fresno Metropolitan Flood Control District – Mayor’s Office
Action Taken:
- I. * **RESOLUTION** – 4th amendment to the Salary Resolution No. 2005-290 modifying the job titles of two classifications, Utility Service Representative III to Senior Utility Service Representative and Department Computer Specialist to Billing System Specialist –Personnel Dept.
Action Taken:
- J. * **RESOLUTION** -13th amendment to AAR No. 2005-286 appropriating \$45,300 to the Recreation Clubs Fund to be used for various club activities at community centers and park sites (***Requires 5 affirmative votes***) – PR&CS
Action Taken:
- K. Acceptance of a \$60,000 Resource Conservation Grant from the U.S. Environmental Protection Agency (EPA) for research, analysis, and public outreach to promote the City’s Green Building Demonstration Project – Planning and Development Dept.
Action Taken:
1. * **RESOLUTION** – 10th amendment to AAR No. 2005-286 appropriating \$60,000 in grant funds from the U.S. Environmental Protection Agency and approval of the City’s participation in the program and authorization for staff to negotiate and enter into a grant agreement between the City and EPA for implementation of the project (***Requires 5 affirmative votes***)
Action Taken:
- L. Approve amendments to Fiscal Year 1996, 1997, and 2005 Annual Action Plans reallocating \$173,888.89 of CDBG funds from the Closed-Out Neighborhood Revitalization Program to a Service Center Pre-Development Project located in Southwest Fresno – Planning and Development Dept.
Action Taken:
- M. * Consider approval of salary increase and additional administrative leave for City Attorney – Council President Dages
Action Taken:
- N. * **BILL NO. B-82 (Intro. 7/26/2005) (For adoption)** - Amending Section 2-1703(a) of the Fresno Municipal Code relating to the residency requirements for outside retirement board members – Retirement Office
Action Taken:
1. * **BILL NO. B-83 (Intro. 7/26/2005) (For adoption)** - Amending Section 2-1803(a)(4) of the Fresno Municipal Code relating to the residency requirements for outside retirement board members – Retirement Office
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- O. * **BILL NO. B-78 – (Intro. 7/26/2005) (For adoption)** – Adopting changes and additions to the official list of truck routes designating streets for the movement of vehicles exceeding twelve thousand pounds maximum gross weight – Public Works Dept.

Action Taken:

2. **GENERAL ADMINISTRATION**

3. **CITY COUNCIL**

- A. Council discussion and staff direction to identify additional funding to repair and restore the deteriorating City landscaping easements - Councilmember Calhoun

Action Taken:

- B. Request a report on how the low crime rate statistics are compiled – Councilmember Boyajian

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. A. **SCHEDULED COMMUNICATION**

1. Appearance by Colin Dougherty, Media and Communications Manager of Comcast to introduce a new subscriber service, Video on Demand (VOD)
2. Appearance by Karolyn Petrakis to request Council take action regarding a code violation received for removal of rubbish in an alley

- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

- 9:30 A.M.#1 * Approve the agreement between the City of Fresno and State of California (Cal-Trans) to provide a Freeway Litter Clean-Up Program with the use of inmate labor – Mayor's Office/Police Dept

Action Taken:

- a. * **RESOLUTION** – 12th amendment to AAR No. 2005-286 appropriating \$168,000 from Cal-Trans to the Fresno Police Department for the Inmate Labor Freeway Litter Clean-Up Program **(Requires 5 affirmative votes)**

Action Taken:

- b. * **RESOLUTION** – 6th amendment to PAR No. 2005-287 to add a position for the Fresno Police Department for the Inmate Labor Freeway Litter Clean-Up Program

Action Taken:

- 9:30 A.M.#2 * Approval of the contract between the City and County of Fresno authorizing the City the use of inmate labor on Government-owned facilities and grounds – Mayor's Office/Police Dept.

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 9:55 A.M.** **CONTINUED HEARING** to consider Community Facilities District No. 2, Annexation No. 98, Final Tract Map No. 5261 – Public Works Dept. ***(Continue to August 30, 2005 at 10:35 a.m.)***
- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 2, Annexation No. 98, Final Tract Map No. 5261 and authorizing the levy of a special tax
 - b. **RESOLUTION** – Calling a special mailed-ballot election
 - c. **RESOLUTION** – Declaring election results
 - d. * **BILL** – Levying a special tax for the property tax year 2005-2006 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 98, Final Tract Map No. 5261
 Action Taken:
- 10:00 A.M.** **CONTINUED HEARING** regarding Landscaping and Lighting Maintenance District No. 1 (LLMD No. 1) – Public Works Dept.
 Action Taken:
- a. * **RESOLUTION** - Confirming diagram and assessment and levy of annual assessment, 2005-2006, for Landscaping and Lighting Maintenance District No. 1
 Action Taken:
- 10:15 A.M.** **HEARING** to consider Rezone Application No. R-04-55, and environmental findings, filed by Arshak Petrosyan, pertaining to 0.32 acre of property located on the north side of W. Herndon Avenue frontage road between North San Pablo and North Sugar Pine Avenues ***(Property located in District 2)*** – Planning and Development Dept.
 Action Taken:
- a. Consider and adopt Environmental Assessment No. R-04-55/S-04-225, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan.
 Action Taken:
 - b. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-1/EA (*Single Family Residential/Expressway Area Overlay*) zone district to the C-6/EA (*Heavy Commercial/Expressway Area Overlay*) zone district.
 Action Taken:
- 10:30 A.M.** **HEARING** relating to the Tow Car Rotation – Police Department
 Action Taken:
- a. **BILL (*For introduction*)** - Amending the Fresno Municipal Code relating to Fresno Police Department Rotation Tow Program
 Action Taken:
 - b. **BILL (*For introduction*)** – Granting to certain towing operators a non-exclusive franchise to participate in the Fresno Police Department's Tow Car Rotation List
- 10:45 A.M.** **HEARING** relating to construction options for the Monterey Street separation overhead bridge located between Broadway and "G" Streets – Public Works Dept.
 Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

11:00 A.M. HEARING to consider Rezone Application No. R-04-64 and environmental findings, filed by Paul Atmajian, pertaining to approximately 8.7 acres of property located on the west side of S. Minnewawa Avenue between E. Kings Canyon Road and E. Butler Avenue (***Property located in District 5***) – Planning and Development Dept.

Action Taken:

- a. Consider and adopt Environmental Assessment No. R-04-64/T-5387/C-04-170, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan

Action Taken:

- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AL-20 (*Limited Agricultural, 20-acre minimum parcel size, Fresno County*) zone district to the R-1-C (*Single Family Residential, minimum 9,000 square foot lot area*) zone district

Action Taken:

2:00 P.M. #1 **CONTESTED CONSENT CALENDAR**

2:00 P.M. #2 **CLOSED SESSION**

A. CONFERENCE WITH LABOR NEGOTIATOR – Government Code Section 54957.6

City Negotiator(s): Bruce Rudd, Ken Phillips

Employee Organization(s):

1. Fresno Police Officers Association (FPOA Management Unit 9)
2. Fresno Police Officers Association (FPOA Non-supervisory Unit 4)
3. Fresno City Employees Association (FCEA)

Action Taken:

B. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** Westburg v. City of Fresno (Halferty, Real Party in Interest)
2. **Case Name:** City of Fresno v. Pinedale Public Utility District
3. **Case Name:** City of Fresno v. Garfield Park Highlands, et al.
4. **Case Name:** Fresno Police Officers Association (FPOA) v. City of Fresno, Andrew T. Souza

Action Taken:

C. CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION -Government Code Section 54956.9, Subdivision(c)

1. **Potential Case Name:** City of Fresno v. National Railroad Passenger Corp. (Amtrak)

Action Taken:

2:00 P.M. #3 **CLOSED SESSION ANNOUNCEMENTS (IF ANY)**

2:30 P.M. **MEETING OF THE REDEVELOPMENT AGENCY**

Approve Agency minutes of July 19 and 26, 2005

Action Taken:

AGENCY GENERAL CONSENT CALENDAR

A. Award a contract to Hobbs Construction of Fresno for closure of Santa Clara Street between “N” and “O” Streets

Action Taken:

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 4:00 P.M.** **HEARING** to consider Rezone Application No. R-03-44, and an appeal of the Fresno City Planning Commission action regarding Conditional Use Permit Application No. C-03-158, and environmental findings, filed by Westside Auto Dismantlers, pertaining to 20 acres of property located east of the southeast corner of N. Marks and W. Belmont Avenues **(Property located in District 3)** – Planning and Development Dept.
- Action Taken:**
- a. Consider and adopt Mitigated Negative Declaration for Environmental Assessment No. R-03-44/C-03-158
Action Taken:
 - b. **RESOLUTION** – Approving Conditional Use Permit Application No. C-03-158 **(Planning Commission recommendation)**
Action Taken:
 - c. **RESOLUTION** – Approving Conditional Use Permit Application No. C-03-158 **(Staff recommendation)**
Action Taken:
 - d. **BILL** – Amending the Official Zone Map to rezone the subject property from the M-3 (County) zone district to the M-3 **(Heavy Industrial)** zone district
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

- | | | | |
|-------|------|--------------|--|
| Aug. | 23 - | 10:00 A.M. | HEARING re: CFD No. 2, Annexation No. 102, Final Tract Map No. 5458 |
| Aug. | 23 - | 10:05 A.M. | HEARING re: CFD No. 2, Annexation No. 103, Final Tract Map No. 5248 |
| Aug. | 23 - | 10:10 A.M. | HEARING re: CFD No. 2, Annexation No. 100, Final Tract Map No. 5235 |
| Aug. | 23 - | 10:15 A.M. | HEARING re: CFD No. 2, Annexation No. 101, Final Tract Map No. 5325 |
| Aug. | 23 - | 10:30 A.M. | Quarterly report on the progress of the West Fresno Workgroup on implementing the recommendations of the West Fresno Community Vision Plan – Councilmember Sterling |
| Aug. | 23 - | 10:35 A.M. | UGM increases in Parks and Fire, establish a public facilities fee – Public Works Dept. |
| Aug. | 23 - | 10:40 A.M. | HEARING to consider Rezone Application No. R-05-020, filed by John Allen on behalf of Image Homes, Inc. for 0.98 acres of property located on the west side of N. Brawley Avenue between W. Calimyrna and W. Kadota Avenues |
| Aug. | 23 - | 10:50 A.M. | HEARING re: CUP No. C-05-48, filed by Scott Vincent on behalf of Ashwood Construction |
| Aug. | 30 - | 10:00 A.M. | HEARING re: Rezone Application No. R-05-14, filed by Jeffrey Roberts on behalf of Granville Homes |
| Aug. | 30 - | 10:10 A.M. | HEARING re: Rezone Application No. R-05-16, filed by Jose and Erlinda Jamili |
| Aug. | 30 - | 10:15 A.M. | HEARING re: aligning the MFS Resolution for the Dept. of Public Utilities |
| Aug. | 30 - | 10:30 A.M. | HEARING re: Rezone Application No. R-04-104, filed by Clifford Tutelian on behalf of Park Place Holdings |
| Aug. | 30 - | 10:35 A.M. | CONTINUED HEARING to consider CFD No. 2, Annexation No. 98, Final Tract Map No. 5261 |
| Aug. | 30 - | 4:30 P.M.#1 | CONTINUED JOINT HEARING/RDA regarding the Convention Center Redevelopment Plan: |
| Aug. | 30 - | 4:30 P.M.#2 | JOINT MEETING/RDA To approve a Purchase and Sales Agreement and Disposition and Development Agreement, property is Gregor Boats at 2316 E. Annadale |
| Aug. | 30 - | 5:00 P.M. | HEARING re: Rezone Application No. R-04-79, filed by Edward and Janis Donaghy |
| Sept. | 6 - | | NO MEETING - COUNCIL VACATION |
| Sept. | 13 - | | NO MEETING - COUNCIL VACATION |
| Sept. | 20 - | 10:00 A.M.#1 | Adopt a resolution of consideration to change the rate and method of apportioning the special tax and establishing a new maximum special tax for Annexation No. 61, Final Tract No. 4598 of Community Facilities District No. 2 |
| Sept. | 20 - | 10:00 A.M.#2 | HEARING re: CFD No. 2, Annexation No. 93, Final Tract Map No. 5141 |
| Sept. | 20 - | 10:15 A.M. | HEARING re: the vacation of a portion of North Bryan Avenue west of Barstow Avenue. It is associated with R.I. # 1044-D |
| Oct. | 18 - | | NO MEETING - COUNCIL BREAK |

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

Oct.	25 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates (Reception immediately following – 2 nd floor foyer)
Oct.	25 -	4:00 P.M.	HEARING - 2005 Cycle II Trimester Plan Amendments
Nov.	9 – (Wed)	3:00 P.M.	Presentation of Employee Service Awards in the Council Chambers with a reception immediately following – 2 nd floor foyer)
Nov.	15 -	10:30 A.M.	Quarterly report on the progress of the West Fresno Workgroup on implementing the recommendations of the West Fresno Community Vision Plan – Councilmember Sterling
Nov.	22 -	NO MEETING - THANKSGIVING WEEK	
Dec.	20 -	NO MEETING - CHRISTMAS WEEK	
Dec.	27-	NO MEETING - NEW YEARS WEEK	

(Future workshops – dates to be determined)

(June) WORKSHOP – Follow-up discussion regarding Caltrans discussion held 12/7/2004
WORKSHOP – Urban Forest